Buchwald, N.

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

| | |
|---|---|
| In the Matter of Arbitration Between: GLISPA GMBH, Petitioner, v. CUPCAKE DIGITAL, INC., Respondent | Civil Action No. 1:16-cv-07230 (NRB) |
| | [PROPOSED] ORDER OF ATTACHMENT |

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/13/16

UPON the annexed Motion for an Order of Attachment, dated September 15, 2016, pursuant to Rule 64 of the Federal Rules of Civil Procedure and Articles 62 and 75 of the New York Civil Practice Law and Rules ("CPLR"), the Memorandum of Law in support thereof, dated September 15, 2016, and the Declaration of Thorsten Schmidt, Esq. dated September 15, 2016, and exhibits annexed thereto, wherein it appears that a cause of action for a money Judgment exists in favor of Petitioner glispa GmbH ("Glispa") and against Respondent Cupcake Digital, Inc. ("Cupcake" or "Respondent") for at least the sum of $158,506.20 minus Respondent's May 2016 payment in the amount of $25,000.00, and that Petitioner is entitled to recover that sum over all counterclaims known to it, and it being further shown by the Motion and supporting papers that the Petitioner is entitled to an Order of Attachment against the property of the Respondent pursuant to CPLR 6211 (a), 6212(21) and 7502(c), it is

**ORDERED**, that an Order of Attachment be and the same hereby is granted, and it is further

**ORDERED** that Petitioner shall post a bond in the amount of $10,000 xx/100 as security, within ten (10) business days of this Order; and it is further

**ORDERED**, that the preliminary amount to be secured by this Order of Attachment shall be **$133,506.20** ($158,506.20 - $25,000.00), and it is further

**ORDERED**, that the United States Marshall for the Southern District of New York or any person appointed to act in his or her place and stead shall levy within this Court's jurisdiction upon Cupcake's equipment and accounts receivable from sales of apps and games for the purpose of securing and satisfying the aforesaid sum of $133,506.10, by serving a copy of this Order by Federal Express and certified or registered mail, return receipt requested, and it is further

**ORDERED** that the limitation of the amount of $133,506.20 to be secured herewith is preliminary and without prejudice with regard to the higher amount ( i.e., including interests, costs, and attorneys' fees) sought in the underlying Petition to Confirm Foreign Arbitration Awards against Respondent filed on September 15, 2016), and it is further

**ORDERED** that service of a copy of this Order of Attachment and the papers upon which it is granted by Federal Express upon Respondent or its Corporate Agent in Delaware no later than two (2) business days after the date hereof, shall be deemed good and sufficient service.

SO ORDERED.

Naomi Reice Buchwald
United States District Judge

Dated: New York, New York
October 13, 2016